

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Panchayat Raj & Rural Development - Sri Shaik Mohammad Ghouse Basha, former Divisional Panchayat Officer, Ranga Reddy District, now District Panchayat Officer (Retired) Guntur District –Implement the orders of the Hon'ble A.P. Administrative Tribunal, dated:05.09.2013 in O.A.No.6264/2013 - Pensionary benefits and other attendant benefits released – Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.Rt.No.772,

Dated:24.07.2014.  
Read the following:-

1. From the G.A (V&E) Dept., Vig. Report No.128(2008/V&E/D1/2007) dt.07.08.2008.
2. Govt., Memo.No.24647/Vig.IV/2008-1, dated:13.03.2009.
3. G.O. Rt. No: 26, PR&RD(Vig.IV) Dept., Dated:- 05.01.2010.
4. Written Statement of defense received from Sri S.M.G. Basha, DI.P.O., (Retd) R.R. Dist., dated: 30.03.2010.
5. From the CPR&RE., Lr.No.3497/CPR&RE/E2.VIG/2009, dt.16.02.2013
6. G.O.Rt.No.1403, PR&RE (Vig.IV) Dept., dated 4.9.2013.
7. From the APAT Orders dated 05.09.2013 in O.A.No.6264/2013 filed by Sri Shaik Mohammad Ghouse Basha, DPO (Retd).
8. Govt., Memo.No.24647/Vig.IV/A2/2008-9, dated:19.12.2013.
9. From the Deputy Registrar, APAT., C.A.NO.408/2014 in O.A.No.6264/2013.
10. From the APAT Orders dated 21.04.2014 in C.A.No.408 of 2014 in O.A.No.6264/2013 filed by Sri Shaik Mohammad Ghouse Basha, DPO (Retd) .
11. Govt., Memo.No.24647/Vig.IV/A2/2008, dated:30.05.2014.
12. From the Orders dated:05.07.2014 of the Hon'ble APAT., in C.A.No.408 of 2014 in O.A.No.6264/2013.
13. Govt., Memo.No.24647/Vig.IV/A2/2008, dated:08.07.2014.
14. From the G.P for PR., APAT., Lr.No.C.A.No.408/2014 in O.A.No.6264/2013/MKR/PR, dated:08.07.2014.

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In the reference 1<sup>st</sup> read above, the General Administrative (Vigilance & Enforcement) Department have conducted an inspection in Nizampet Gram Panchayat Ranga Reddy District about the irregularities in construction of Buildings and recommended to initiate disciplinary action against Sri S.A. Razak, Executive Officer (Panchayat Raj and Rural Development) 2) Sri M. Shamsundar, Executive Officer, Gram Panchayat Nizampet, 3) Sri Syed Munavar, Divisional Panchayat Officer, Ranga Reddy District East Division, 4) Sri K. Sudarshan, District Panchayat Officer (Retired) and 5) Sri S.M.G. Basha, the then District Panchayat Officer, Ranga Reddy District, East Division.

2. In the reference 2<sup>nd</sup> read above, the Commissioner, Panchayat Raj & Rural Employment was requested to initiate disciplinary action against the above said officers and obtain their Written Statements of Defence and submit to Government for taking further necessary action as per rules.

3 In the reference 3<sup>rd</sup> read above, the articles of charges have been issued against Sri S.M.G.Basha, Divisional Panchayat Officer, (Retired) Ranga Reddy District. He has submitted his explanation in the reference 4<sup>th</sup> read above.

4. In the reference 5<sup>th</sup> read above, the Commissioner, Panchayat Raj & Rural Employment has stated that Charges were framed against Sri SMG Basha, District Panchayat Officer and others and served copies to them, and written statement of defence in respect Sri SMG Basha was submitted to Government.

**(PTO)**

5. After examining the Written Statement of Defense submitted by the Charged Officers, in the reference 6<sup>th</sup> read above, Government have issued orders appointing Sri K.Sahadeva Redy, Member of Commissioner of Inquiry, as the Inquiry Authority, under rule 20(2) Of A.P. Civil Services (Classification, Control and Appeal) Rules,1991 to conduct enquiry into the Charges framed against Sri S.M.G. Basha, former Divisional Panchayat Officer, R.R. District now Retired District Panchayat Officer, Guntur and others on the irregularities committed by them and also appointed Ms.K.Sridevi, Advocate, as the presenting officer, to present the case before the Inquiry Authority under Rule 20(5) (c) of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991.

6. The Charged Officer Sri SMG Basha has filed an O.A.No.6264/2013 before the Hon'ble Andhra Pradesh Administrative Tribunal praying to call for the records relating to Charge Memo issued in G.O.Ms.No.26, Panchayat Raj and Rural Development (Vig.IV) Department dated:5.1.2010 issued by the 1<sup>st</sup> respondent and to set aside the same and also to release the retirement benefits.

7. In the reference 7<sup>th</sup> read above, the Hon'ble Andhra Pradesh Administrative Tribunal, while disposing the above O.A has made the following orders:

**"the respondents are directed to conduct and conclude the disciplinary proceedings within a period of four months from the date of receipt of this order. The applicant is directed to co-operate with the disciplinary proceedings. If on account of any laxity on the part of the respondents, by not adhering to the time stipulated by this Tribunal, the charges stand dissolved and consequential action like releasing in pensionary benefits and other attendant benefits shall have be taken by the respondents."**

8. In the reference 8<sup>th</sup> read above, Government have issued orders to the Commissioner, Panchayat Raj and Rural Employment, Hyderabad directing to release the 75% provisional pension to Sri Shaik Mohammad Gouse Basha, District Panchayat Officer (Retired).

9. In the reference 9<sup>th</sup> read above, the individual has filed CA.No.408/2014 in OA No.6264/2013 for non compliance of the orders of the A.P. Administrative Tribunal, dated: 05.09.2013 in O.A.No.6264/2013.

10. in the reference 10<sup>th</sup> read above, the Hon'ble A.P. Administrative Tribunal in its orders dated:21.04.2014 in M.A.No.1272/2014 in O.A.No.6264/2013 with C.A.No.408/2014 has ordered that,

**" As more than eight months elapsed from the date of issuance of direction by this Tribunal wherein the tribunal gave only four months time and the charge pertains to 2010, the MA is dismissed and the respondents are directed to comply with the orders of this tribunal."**

11. In the reference 11<sup>th</sup> read above, the Government Pleader for Panchayat Raj, A.P. Administrative Tribunal, has been requested to obtain extension of time for 3 months for submission of compliance report in the matter to the A.P. Administrative Tribunal.

12. In the reference 12<sup>th</sup> read above, the Hon'ble A.P. Administrative Tribunal in its orders dated:05.06.2014 in C.A.No.408/2014 in O.A.No.6264/2013 has ordered that,

**The respondents even after lapse of nearly (10) months have not complied with the orders of the Tribunal. In view of the condition laid down in the order dated:05.09.2013, the charges stand dissolved and the plea of the respondents for further extension of time is rejected. The respondents are, therefore, directed to take immediate consequential action like releasing the pensionary benefits and other attendants benefits to the applicant by 03.07.2014, failing which they shall appear before the Tribunal on the said date to explain as to why orders of the Tribunal could not be implemented.**

**(Contd...P.3)**

13. In the reference 13<sup>th</sup> read above, the Government Pleader, for Panchayat Raj, A.P. Administrative Tribunal, has been requested whether the Pensionary benefits in respect of Sri Shaik Mohammad Gouse Basha, Retired District Panchayat Officer, Guntur can be released by the Government of A.P as directed by the Hon'ble A.P. Administrative Tribunal in its order dated: 05.09.2013 in O.A.No.6264/2013 as the Charged Officer retired from service on attaining the age of superannuation on 30.06.2013 from erstwhile A.P. State though the delinquencies/ irregularities pertains to the State of Telangana while worked as Divisional Panchayat Officer in Ranga Reddy district without concurrence of the State of Telangana.

14. In the reference 14<sup>th</sup> read above, the Government Pleader, for Panchayat Raj, A.P. Administrative Tribunal, has opined that, no concurrence is necessary from the State of Telangana and he is advised to release all the pensionary benefits as directed by the Hon'ble A.P. Administrative Tribunal.

15. Government after taking into the consideration of the case and orders of the A.P. Administrative Tribunal, have decided to implement the orders of the Hon'ble A.P. Administrative Tribunal, dated:05.09.2013 in O.A.No.6264/2013 filed Sri S.M.G. Basha, former Divisional Panchayat Officer, R.R. District now Retired District Panchayat Officer, Guntur. Accordingly, hereby direct the Commissioner, Panchayat Raj & Rural Employment, A.P., Hyderabad to release the pensionary benefits and other attendant benefits in respect of Sri S.M.G. Basha, former Divisional Panchayat Officer, R.R. District now Retired, District Panchayat Officer, Guntur.

16. The Commissioner, Panchayat Raj & Rural Employment/District Panchayat Officer, Guntur District shall take further necessary action in the matter accordingly send compliance report to the Government, without fail.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY  
SECRETARY TO GOVERNMENT (PR)

To

The Commissioner, Panchayat Raj & Rural Employment,  
Hyderabad.

The Individual through the Commissioner,  
Panchayat Raj & Rural Employment, Hyderabad.

The Government Pleader for Panchayat Raj,  
A.P. Administrative Tribunal.

The District Panchayat Officer, R.R District/  
District Panchayat Officer, Guntur District.

The General Administration (Commissioner of Inquiry) Department.

**Copy to :**

The Deputy Register, A.P. Administrative Tribunal, Hyderabad

The P.S. Secretary (PR). A.P.

The P.S. Principal. Secretary (PR).

State of Telangana.

The P.S. to the Hon'ble Minister (PR&RWS).

SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER